IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 25174 of 2004**

Between:

1 Vempuluru Ramachandraiah, S/o Pullaiah,
2 Ravula Pedda Ankoji, S/o Pedda Ankaiah,
3 Badugu Narasamma, W/o Penchalaiah.

All are Coolies, R/o Podalakaur ( Village), Podalakur Mandal, Nellore District.

**... PETITIONERS**

AND

1 The Revenue Divisional Officer, Nellore, Nellore District.
2 The Mandal Revenue Officer, Podalakur Mandal, Podalakur, Nellore District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus under Article 226 of constitution of India declaring the action of the Revenue Divisional Officer, Nellore, Nellore District in not passing any orders in the stay petition filed along with the appeal, filed by the petitioners aggrieved by the proceedings of the Mandal Revenue Officer, Podalakur Mandal, Podalakur, Nellore District in 838A dated 23-12-2004, wherein the House site pattas granted to the petitioners in the year 1996 is cancelled is arbitrary, illegal without jurisdiction, in violation of principles of natural justice and consequently set aside the proceedings in 838A dated 23-12-2004 of the Mandal Revenue Officer, Podalakur Mandal, Podalakur,Nellore District.

**For the Petitioners: MR.CH.CKRISHNA REDDY, Advocate**

**For the Respondents: GP FOR REVENUE**

**The Court at the stage of admission made the following:**

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**ORDER:**

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

In this writ petition, petitioners are challenging the impugned order dated 23-12-2004 passed by the second respondent in Proceedings No.838 A, in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') in respect of Plot Nos.2, 3 and 4 (each Ac.0-03 cents) in the layout relating to Survey No.194 of Podalakur village. It is submitted that against the orders passed by the second respondent, petitioners already preferred appeal before the first respondent on 29-12-2004, and also filed a petition to stay the operation of the order of the second respondent, which are pending on the file of the first respondent. Assailing the action of the first respondent in not passing any orders on the stay petition filed in the appeal, the petitioners filed this writ petition.

In the circumstances, the writ petition is disposed of at the stage of admission directing the first respondent to consider the appeal and the stay petition said to have been filed by the petitioners and pass appropriate orders either on the stay petition or on the appeal, in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

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**N.V.RAMANA, J**

**Date: 31-12-2004**

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To

1 The Revenue Divisional Officer, Nellore, Nellore District.
2 The Mandal Revenue Officer, Podalakur Mandal, Podalakur, Nellore District.

3 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, A.P.,Hyderabad (OUT).

4 Two C.D.copies.